

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CHAMBERS  
THOMAS W. THRASH JR.  
U. S. D. C. Atlanta

JOSEPH H. SMITH,  
Plaintiff,

v.

FRED BURNETTE, Warden,  
Defendant.

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CIVIL ACTION NO.  
1:08-CV-2881-TWT

JAMES N. HATTEN, Clerk  
*S. Devil*  
Deputy Clerk

SEP 19, 2008

**ORDER AND OPINION**

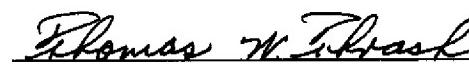
Plaintiff, Joseph H. Smith, currently confined at the Telfair State Prison (“TSP”) in Helena, Georgia, has submitted a letter that has been docketed as a 42 U.S.C. § 1983 civil rights complaint. In his letter, Plaintiff complains that he was recently transferred to the TSP from the “Washington State Prison for exercising [his] right to access to the court.” [Doc. 1 at 1]. Plaintiff asks the Clerk of Court to forward him some § 1983 forms so that he can file a civil rights action. [Id.]. Upon review of Plaintiff’s letter, this Court finds that he does not intend to file a civil action at this time. Rather, Plaintiff merely asks this Court to provide him with the forms necessary to prepare and initiate a civil rights action.

Accordingly, **IT IS HEREBY ORDERED** that the instant action is **DISMISSED WITHOUT PREJUDICE.**

**IT IS FURTHER ORDERED** that Plaintiff is **GRANTED** leave to proceed in forma pauperis for the sole purpose of dismissal.

The Clerk of this Court is **DIRECTED** to forward a 42 U.S.C. § 1983 form and an appropriate financial affidavit to Plaintiff. If Plaintiff seeks to file a civil rights complaint, he should prepare it on the enclosed § 1983 form and submit both a completed § 1983 form and financial affidavit to the appropriate district court. Plaintiff should be mindful about presenting his claims in a clear and concise fashion.

**IT IS SO ORDERED**, this 19 day of September, 2008.

  
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THOMAS W. THRASH, JR.  
UNITED STATES DISTRICT JUDGE